

STATE OF TENNESSEE

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Reply to:
Consumer Advocate and Protection Division

June 10, 2004

The Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

RE: IN RE: GENERIC DOCKET ADDRESSING RURAL UNIVERSAL SERVICE
Docket No.: 00-00523

Dear Chairman Tate:

Enclosed is an original and fourteen copies of an Erratum to the Brief Filed on June 7, 2004 of the Consumer Advocate & Protection Division of the Office of the Attorney General in Response to the Motion for Reconsideration of BellSouth Telecommunications, Inc. and the Petition for Reconsideration of the Commercial Mobile Radio Service ("CMRS") Carriers. We request that this be filed with the the TRA in this docket. All parties of record have been served a copy of this document. If you have any questions, please feel free to contact me at (615) 532-3382. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Shilina B. Chatterjee".

Shilina B. Chatterjee
Assistant Attorney General

Enclosures

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**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

**IN RE: GENERIC DOCKET)
 ADDRESSING RURAL) DOCKET NO. 00-00523
 UNIVERSAL SERVICE)**

**ERRATUM TO THE BRIEF FILED ON JUNE 7, 2004 OF THE CONSUMER
ADVOCATE & PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY
GENERAL IN RESPONSE TO MOTION FOR RECONSIDERATION OF BELL SOUTH
TELECOMMUNICATIONS, INC. AND PETITION FOR RECONSIDERATION OF
THE COMMERCIAL MOBILE RADIO SERVICE ("CMRS") CARRIERS**

The Attorney General of the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General and Reporter ("Consumer Advocate"), submits this erratum to its brief filed on June 7, 2004. A correction to a sentence is necessary on page 3 of the brief. The sentence (11 lines down from the top of the document) begins:

In the Order⁵, dated May 9, 2001, the TRA affirmed the December 2000 Hearing Officer Order that CMRS traffic was subject to the Toll Settlement Agreements and is part of the Interconnection Arrangements and nowhere has the TRA stated that these Interconnection Arrangements do not include CMRS traffic.

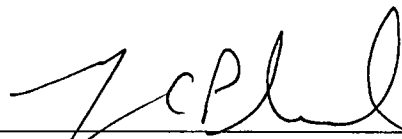
This sentence should be corrected to read:

⁵ Order Denying BellSouth Petition for Appeal and Affirming the Initial Order of the Hearing Officer, *In Re: Generic Docket Addressing Universal Service*, Docket No. 00-00523, May 9, 2001.

In the Order⁵ dated May 9, 2001, the TRA affirmed the December 2000 Hearing Officer Order. There exists no material distinction between CMRS traffic and the interconnection obligations previously addressed by the TRA. Nowhere has the TRA stated that these Interconnection Arrangements do not include CMRS traffic.

The corrected page 3 is attached hereto. This corrected page should be the replacement page for page 3 of the brief filed on June 7, 2004.

Respectfully submitted,



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DATED: June 10, 2004

⁵ Order Denying BellSouth Petition for Appeal and Affirming the Initial Order of the Hearing Officer, *In Re: Generic Docket Addressing Universal Service*, Docket No. 00-00523, May 9, 2001.

ATTACHMENT A

BellSouth's Motion for Reconsideration should be denied.

Concurrently, BellSouth has claimed that the CMRS originated traffic transiting through BellSouth's network is not subject to the existing interconnection arrangements. BellSouth and the Coalition engaged in negotiations concerning the payments for termination of CMRS traffic, however, those negotiations came to an impasse and halted. Even though BellSouth claims that payments in the past to the Coalition for CMRS transit traffic were merely an accommodation, does not permit BellSouth to arbitrarily end the payments. Suggesting that CMRS originated traffic does not fall within the explicit language of the Toll Settlement Agreements, does not mean that it is not subject to the existing arrangements between BellSouth and Coalition members. BellSouth must still compensate Coalition members for this traffic because of existing regulatory obligations. In the Order⁵ dated May 9, 2001, the TRA affirmed the December 2000 Hearing Officer Order. There exists no material distinction between CMRS traffic and the interconnection obligations previously addressed by the TRA. Nowhere has the TRA stated that these Interconnection Arrangements do not include CMRS traffic. Therefore, CMRS originated traffic is subject to the current Interconnection Arrangements. Under the Interconnection Arrangements, BellSouth has a regulatory obligation to continue and maintain payments to the Coalition. The decision in the Order⁶ issued on May 6, 2004, is the proper remedy at this time and serves the public interest.

It would be inappropriate for BellSouth to suddenly abandon this undertaking and

⁵ Order Denying BellSouth Petition for Appeal and Affirming the Initial Order of the Hearing Officer, *In Re. Generic Docket Addressing Universal Service*, Docket No. 00-00523, May 9, 2001.

⁶ Order Granting in Part the Petition for Emergency Relief and Request for Standstill Order by the Tennessee Rural Independent Coalition, *In Re. Generic Docket Addressing Rural Universal Service*, Docket No. 00-00523, May 6, 2004, p 18.